THE HIGH COURT OF UTTARANCHAL AT NAINITAL

First Appeal No. 304 of 2001
(Old F.A. No. 231 of 1991)

The Collector, Haridwar.

……..Appellant.

Vs.

1. Sharif Ahmad S/O Sri Iddu,
2. Sharafat Ali S/O Sri Karimuddin,
3. Shayeed Ahmad S/O Jahur Ahmad,
4. Wahid,
5. Shahid Ahmad, sons of Jahur Ahmad, R/O Piran Kaliyar, Patti and Tahsil Roorkee, District Haridwar.

....Respondents.

Sri Nand Prasad, learned Standing Counsel for the appellant.
Sri A.K.Sharma, learned counsel for the respondent-claimants.

Date Nov 17, 2006

P.C.: Hon'ble B.S. Verma, J.

This appeal under Section 54 of the Land Acquisition Act is directed against the judgment and award dated 31-10-1990 passed by Sri V.S.Shukla, the then Additional District Judge, Roorkee, Haridwar, in Land Acquisition Reference No. 129 of 1989, Sharif Ahmad and others Vs. Collector Haridwar.

A perusal of the record shows that along with the memo of appeal, the appellant has not annexed certified copy of relevant Land Acquisition Reference, rather certified copy of Land Acquisition Reference No. 126 of 1989 has been filed, wherein the judgment and order was passed on 16-11-1990. Moreover, the copy of the decree passed in the Reference No. 126 of 1989, Sharif Ahmad and others Vs. Special Land Acquisition Officer, Joint Organization, Saharanpur filed with the memo of appeal shows that the order was passed by the Reference Court on 31-10-1990. I may also be noted that in the copy of the judgment the parties are Sharif Ahmad Vs. Collector decided on 16-10-1990, while in the copy of the decree dated 30-10-1990, the parties are Sharif Ahmad and others Vs. Special Land Acquisition Officer.

The lower court record of Reference Case No. 126 of 1989 does not contain the original judgment paper no.19-Kha.

In view of the aforesaid circumstances, the appeal is not maintainable and liable to be dismissed.

The appeal is hereby dismissed as not maintainable.

(B.S. Verma, J.)

RCP